HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2658 OF 2005.

Shamlal Sajjansing Rathod & Ors. ...Applicants.

V/s.

The State of Maharashtra. ...Respondent

Shri S.P.Kadam, for applicants.

Shri K.V.Saste, APP for respondent.

CORAM: A.M.KHANWILKAR,J
DATE : APRIL 28, 2005

P.C. :-

1. Heard counsel for the parties. Perused the record.

2. Prosecution case is that the applicants intercepted tempo in Qualis Jeep and took away goods worth Rs.32 Lakhs, thereby committed dacoity. The applicants have been arrested in connection with the present offence, after they were arrested by Dewas Police in connection with the some other offence. Where the applicants were arrested, they were found in possession of Marshell Jeep. In other words, the Qualis Jeep which is stated to have been used in commission of the dacoity has not been recovered.

Moreover, no identification parade has been held, so as to identify the applicants being involved in the commission of the crime. If it is so, as investigation is completed and chargesheet has been filed. applicants, having made out prima facie case of lack of legal evidence to indicate their complicity in the commission of the offence, are entitled for bail. Accordingly this application is allowed on following conditions.

(i) Applicants are directed to be released on bail in connection with the C.R.No.79 of 2004, registered with Walchand Nagar Police Station on executing personal bond in the sum of Rs.25,000/-(Rs.twenty five thousand only) each with two local sureties in like amount.

(ii) The applicants shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicants shall report to the concerned police station once in a month on first Sunday of every English Calender Month between 10 a.m. to 2 p.m., during the pendency of the trial.

(iv) The applicants shall disclose their place of residence to the Investigating Officer as well as the trial court where they would stay after the release on bail and shall report to the trial court before they travel beyond the State of M.P. where they would ordinarily reside.

(v) The applicants shall co-operate for early disposal of the trial. In the event, the trial court is of the opinion that the applicants are responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

3. Application disposed of accordingly.